

### REMARKS

Claims 1, 2, 5-17, 19, 36, and 37 are pending in this application. Of these, claims 1, 16, and 19 are independent. Favorable reconsideration and further examination are respectfully requested.

As shown above, the specification has been amended to correct a typo. Applicant submits that no new matter has been added.

Turning to the art rejections, claims 1, 2, 5-14, 16, 17, 36, and 37 are rejected under 35 U.S.C. 103(a) over U.S. Patent 6,262,908 (Leung) in view of U.S. Patent 5,920,813 (Evans). As shown above, Applicant has amended the claims to define the invention with greater clarity. In view of these clarifications and the arguments below, reconsideration and withdrawal of the art rejections are respectfully requested.

Claim 1 has been amended to require the signal-to-interference ratio of the user in the first sector to be increased by dynamically reducing transmission power on a forward link in the second sector based on a determination of a current state of transmissions to the at least one user in the first sector AND to one or more users in the second sector. The applied art is not believed to disclose or suggest these features.

In this regard, Leung classifies individual terminals as being at “good” or “poor” locations for receiving a signal with satisfactory SIR and then adjusts the number of transmitting base stations according to the classification of the receiving terminals.<sup>1</sup> Leung nowhere discloses or suggests the decision to reduce the transmission power of a base station is also based on the

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<sup>1</sup> Leung at col. 7, lines 22-32.

current state of transmissions of one or more different users in a different sector. Rather, Leung describes a different approach to that of claim 1, which labels neighboring sectors with unique numbers and assigns unique timing patterns to each number that when invoked by the base station, reduce or avoid interference between the neighboring sectors.<sup>2</sup> Thus, claim 1 distinguishes over Leung.

Evans does not remedy the foregoing deficiencies of Leung with respect to claim 1. In this regard, Evans describes a microwave transmitter that adaptively adjusts its transmission power according to the needs of one or more users. In particular, Leung describes reducing the power of a transmitted signal to reduce the overall operating power of the transmitter, e.g., to improve its stability and operational lifetime,<sup>3</sup> and also for safety precautions, e.g., when work is being done on the transmitter or an intruder is detected within the vicinity of the transmitter.<sup>4</sup> However, Evans nowhere discloses or suggests dynamically reducing transmission power based on a determination of a current state of transmissions to at least one user in a first sector and to one or more users in a second sector.

Independent claims 16 and 18 recite limitations that are similar to the limitations of claim 1. Accordingly, for at least the foregoing reasons, claims 16 and 18 distinguish over Leung and Evans.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

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<sup>2</sup> Leung at Fig. 2 and at col. 7, line 59 to col. 8, line 27.

<sup>3</sup> Evans at col. 2, lines 60-65.

<sup>4</sup> Evans at col. 2, lines 56-60.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claims, except as specifically stated in this paper, and the amendment of any claims does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned agent can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7012.


Enclosed is a three-month Petition for Extension of Time. Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney docket no. 12144-009001.

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Respectfully submitted,

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Cynthia L. Caramana  
Reg. No. 60,628

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (877) 769-7945

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